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JASON EDWARD THOMAS CARDIFF
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11 UNITED STATES DISTRICT COURT
12 CENTRAL DISTRICT OF CALIFORNIA
13

14 UNITED STATES OF AMERICA,

15 Plaintiff,

16 vs.

17 JASON EDWARD THOMAS
18 CARDIFF,

19 Defendant.
20
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22
23

Case No. 5:23-cr-00021-JGB

**MOTION FOR
RECONSIDERATION OF
COURT'S DENIAL OF
JASON CARDIFF'S *EX PARTE*
APPLICATION FOR AN ORDER
EXTENDING INTERNATIONAL
TRAVEL AND RETURNING HIS
PASSPORT OR, IN THE
ALTERNATIVE, TO MODIFY
BOND CONDITIONS**

1 Pursuant to Local Rule 7-18, Defendant, Jason Cardiff, moves for
2 reconsideration of this Court's denial of his Ex Parte Application to Extend
3 International Travel and Return of Passport or, in the Alternative, to Modify Bond
4 Conditions (the "Application to Extend Travel") LR 7-18 permits reconsideration
5 where the Defendant did not have a chance to refute and address arguments raised for
6 the first time in its opposition. Fundamental fairness and due process require that a
7 defendant be allowed a chance to reply to Government allegations of misconduct
8 while on bond.

9 The Court denied Mr. Cardiff's application on the same date that the
10 Government filed its opposition setting out arguments that were inaccurate or
11 irrelevant. In support of this Motion, Defendant states:

- 12 1. The Application to Extend Travel was filed on January 14, 2025 (Dkt. 162).
- 13 2. The Government filed its opposition on January 15, 2025 at 9:15 a.m. PST.
14 (Dkt. 163).
- 15 3. On January 15, 2025 at 2:21 p.m. PST, counsel emailed Court Clerk Maynor
16 Galvez, stating that "The Government filed an opposition making claims
17 that we contend are inaccurate. We anticipate filing a response to refute the
18 claims tomorrow morning." **Exhibit A**, Declaration of Counsel ¶ 3.
- 19 4. The Court entered its Order on January 15, 2025 at 4:51 p.m. PST. The
20 Order stated, in pertinent part, that the Court was not inclined to grant
21 further extensions. Dkt.165.
- 22 5. Mr. Cardiff's physicians have determined, through diagnostic testing, that
23 there he has serious medical problems and opine that he is currently unfit to
24 travel and recommended a 3-4 month treatment plan. If untreated, the
25 physicians conclude that he will face more serious health consequences if
26 forced to travel before he receives adequate treatment. This evidence is
27 un rebutted. **Exhibit B**, Declaration of Jason Cardiff ¶ 7-8, Exhibit 3 (filed
28 January 14, 2025 under seal)

6. Contrary to the Government's assertions, Defendant's symptoms began in 2016 and have escalated to a dangerous point due to Covid and other complicating factors. **Exhibit B**, Declaration of Jason Cardiff ¶ 11, 13, Exhibit 3 (filed January 14, 2025 under seal)
7. This evidence negates the Government's assertion that Mr. Cardiff's illness is contrived.
8. The un rebutted evidence is that Mr. Cardiff cannot obtain medical insurance for treatment upon his return. **Exhibit B**, Declaration of Jason Cardiff ¶ 22 (filed January 14, 2025 under seal). Further Mr. Cardiff has no Primary care physician in the United States and does not have access to any of the specialty physicians that he is in need of such as Cardiologist and Pulmonary Doctor. All of which are fully engaged in Mr. Cardiff's Medical treatment in Ireland. Declaration of Jason Cardiff ¶ 23 (filed January 14, 2025 under seal)
9. Contrary to the Government's assertions, Defendant has complied with the Court's Bond Conditions. **Exhibit B**, Cardiff Declaration ¶ 5.
10. As set out below, the Government's attempted to execute an extradition warrant on January 14, 2025. This action interfered with and violated this Court's order allowing Mr. Cardiff time to obtain medical treatment. The Government's mishandling of a 15-month-old extradition request subjected Mr. Cardiff to unnecessary delays, forced him to spend an entire week addressing the issue, and inflicted unnecessary personal stress on him and his family. Furthermore, this conduct violated Mr. and Mrs. Cardiff's rights under both U.S. and Irish law.

I. The Government Relied on an Email from a Pretrial Officer Who Provided False Information.

The thrust of the Government's response was that the Court cannot trust Jason Cardiff or the certified medical records submitted under seal. For this argument, the

1 Government primarily relied on an email exchange with a Pretrial Services Officer,
2 Ryan McClellan¹, who asserts that:

3 According to the case notes, Mr. Cardiff had no video calls with SrUSPO Sherrod and has only had
4 one with me. Mr. Cardiff does check in weekly via email, however there have been no routine,
5 daily or every other day attempts at video calls by him.

6 That assertion is simply false. As set out in Mr. Cardiff's Declaration, there have
7 been forty-four (44) emails exchanged with Officer McClellan including fifteen
8 emails referring to arranging a video conference, two videos created by Mr. Cardiff
9 that he sent to Mr. McClellan, and thirty (30) requests and questions asking if Officer
10 McClellan needed anything or required information. **Exhibit B**, Declaration of Jason
11 Cardiff ¶ 6. There are two sets of exhibits. **Exhibit B-1** is a set of emails from Jason
12 Cardiff to Officer McClellan and **Exhibit B-2** is a set of emails from Officer
13 McClellan to Jason Cardiff. Significantly, Mr. McClellan never followed up on any
14 of Mr. Cardiff's requests for a video call. *Id.*

15 Officer McClellan responded to only four (5) emails from Defendant, two of
16 which were "out-of-office" notices. **Exhibit B** ¶ 6. It is readily apparent from review
17 of Mr. Cardiff's emails that he consistently attempted to conduct video calls with
18 Officer McClellan, but Mr. McClellan was unresponsive and apparently uninterested
19 in working with Mr. Cardiff to comply with Court's December 20, 2024 Order. The
20 suggestion that Defendant did not frequently check in with Officer McClellan is
21 unfounded. The issue is not trusting Mr. Cardiff with complying with a court order—
22 it is whether the Court should trust Officer McClellan for his failure to report events
23 correctly.

24 The Government also suggests that Mr. Cardiff's medical records cannot be
25 trusted. However, the most recent set of records are *certified* in accordance with Irish
26

27 ¹ Counsel is informed that Officer McClellan was relatively new to Pretrial Services.
28 Officer Jack Sherrod, his predecessor reportedly is going to retire. Exhibit D ¶ 3.

1 law. The symptoms experienced by Mr. Cardiff date back to 2016 and are
2 documented by different physicians. **Exhibit B**, Cardiff Declaration. ¶ 8. A copy of
3 records from San Antonio Hospital confirming this history were received and will be
4 submitted under seal with this motion. **Exhibit B-3**, Cardiff Declaration. As
5 evidenced in prior travel applications, Officer Jack Sherrod had no problems with Mr.
6 Cardiff's compliance with pretrial conditions. The Government also cites to the FTC
7 civil case and other events predating the Court's imposition of bond in this case. This
8 argument was irrelevant. The bond was granted notwithstanding and with full
9 knowledge of the FTC case.

10 The real issue before the Court was whether Mr. Cardiff complied with the
11 bond conditions in this case.

12 **II. The Government's Attack on the Medical Records is Unsupported.**

13 Other than its unsupported arguments, the Government's assertion that the
14 Court disregard *certified* medical records is without merit. In the absence of contrary
15 medical evidence, the Court must accept the doctors' evaluation and treatment plan
16 as appropriate. *See Saheed v. Colvin*, 2016 U.S. Dist. LEXIS 152871 *18-19 (E.D.
17 Cal.)

18 **III. Defendant Sought Treatment at the MDC for Pulmonary Symptoms**

19 The Government asserts that Defendant told Pretrial Services that he was in
20 good health. Dkt. 163 at 2. However, Defendant twice sought treatment from MDC
21 physicians for his pulmonary symptoms while awaiting bond. **Exhibit B**, Cardiff
22 Declaration ¶ 7. Mr. Cardiff was given incorrect medication for the same pulmonary
23 symptoms that have progressed. Defendant does not have quick access to these
24 records, but they exist and are easily accessed by the DOJ.

25 **IV. The Government Attempted to Execute an Extradition Warrant on**
26 **January 14, 2025 Under Suspicious Circumstances New**
27 **Constitutional violations**

28 The Government made much of the fact that Mr. Cardiff's refused to provide

1 medical records to the Government. This refusal was based on his distrust of the
2 Government. On January 14, 2025, agents of the Irish Garda confronted Mr. Cardiff
3 in the parking lot of *his home* in Dublin (blocking his exit) and told him that they
4 wanted to arrest him on an extradition warrant issued by the Government on October
5 23, 2023, almost two months before his arrest at LAX on this case. **Exhibit B**, Cardiff
6 Declaration ¶ 10. Mr. Cardiff showed the agents a copy of this Court’s Order
7 permitting travel. Detective Sergeant Murray told Mr. Cardiff that he could either be
8 arrested and go with them or he could surrender his passport and his wife’s passport.
9 Mr. Cardiff surrendered the passports. Id. Mr. Cardiff is suffering from serious health
10 problems and his wife recently suffered a heart attack. Id. Both were extremely upset
11 and humiliated at being confronted with a warrant and possible arrest. Fortunately,
12 his eleven-year old daughter was not present to witness this scene. Id.

13 The Government never disclosed the existence of the extradition request and
14 warrant to Defendant or his counsel in this case. **Exhibit A**, Cochell Declaration ¶ 2.
15 Id. at ¶ 3. On January 14, 2025, counsel notified Manu Sebastian and Valerie
16 Makarewicz by email advising them about the Garda’s apprehension of Mr. Cardiff
17 and provided them with the name of Detective Sergeant Murray. On January 15, 2025
18 around 10:30 a.m. PST, counsel requested a copy of the extradition order and asked
19 the Government to participate in a phone call to discuss the extradition warrant. The
20 Government failed to respond to the request. **Exhibit A**, Cochell Declaration ¶ 3.

21 Trust is a two-way street. The Court should *not* trust the Government to keep
22 Mr. Cardiff’s medical records in confidence. Indeed, the DOJ would likely distribute
23 highly sensitive medical records to any government agency making a request. See 44
24 U.S.C. Sec. 3510 (requires agencies to grant access if the disclosure is not inconsistent
25 with applicable law). Moreover, the records are unrelated to the merits of this case.
26 After a number of travel requests—all opposed by the Government---it is unlikely that
27 government prosecutors “*forgot*” that they had an extradition warrant pending in
28 Ireland. It is equally unlikely that the Garda sat on an extradition warrant for fifteen

1 months and simply woke up to execute a warrant the day after counsel asked the
2 Government to concur in this motion to extend travel. However, it is likely that
3 someone from the Government gave the Garda direction to execute the warrant on
4 January 14, 2025. From Defendant's perspective, the attempt to serve a fifteen-month
5 old extradition warrant appears to have been a deliberate response to Mr. Cardiff's
6 travel to Ireland.

7 Garda's conduct was undertaken at the request and direction of the Department
8 of Justice and interferes with and violates the Order authorizing Defendant to travel
9 to Ireland. Defendants on bond are entitled to protection from this Court. Defendant
10 recognizes that the issue of executing the extradition warrant cannot be addressed in
11 a motion to extend travel. However, the Government's conduct does call for
12 discovery of the facts and the who, what, when and how this could have happened to
13 ensure that Mr. Cardiff is not subjected to other unnecessary attempts to arrest him.²

14 **V. Conclusion**

15 The Government's opposition rests almost entirely on Ryan McClellan's
16 inaccurate statements leading the Court to conclude that Defendant failed to
17 communicate with Pretrial Services and thereby violated the Court's December 20,
18 2025 Order. Clearly, Defendant did his best to comply with the Court's order. Mr.
19 McClellan was either too busy or uninterested in replying to several dozen emails
20 from Mr. Cardiff updating or attempting to connect and update and videoconference
21 with Mr. McClellan. Further, it is not Mr. Cardiff's fault if pretrial services ignores
22 his numerous requests for video conferencing. The bottom line is that: (1) Mr. Cardiff
23 complied with the FTC Order disclosing where he lived to the Government; (2) has a
24

25 ² Mr. Cardiff is also skeptical of the Government based on his experience with the
26 Federal Trade Commission and their misuse of Section 13(b). As set out in his motion
27 to dismiss the indictment, Defendant sets out the fact that Congress denied the FTC
28 the very authority to seek monetary damages but did so anyway. Dkt. 135 at 7-15.

1 home in Dublin, where he lives with his wife and child; (3) has a business in the
2 United States; and (4) has complied with the Court's bond conditions and travel order.
3 There is also a \$530,00 appearance bond that is secured by real property. Contrary to
4 the Government's assertions, Mr Cardiff is not a flight risk.

5 The Court's denial of an extension of travel or modification of bond will, in the
6 judgment of medical professionals, likely result in physical harm to Mr. Cardiff. An
7 accused should not be forced to travel where, as here, the *objective* medical evidence
8 shows that travel would result in: (1) serious medical harm; and that (2) a 3-4 month
9 course of treatment will enable Defendant to travel and safely return to the United
10 States for trial. The Government's argument regarding the "veracity" of medical
11 records is no substitute for competent evidence.

12 The Court should reconsider its denial and grant Mr. Cardiff's travel request.

13 Dated: January 16, 2025

14 By: /s/ Stephen R. Cochell
15 Stephen R. Cochell

16 Attorney for Defendant
17 JASON EDWARD THOMAS CARDIFF
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SERVICE LIST

I HEREBY DECLARE THAT THE FOLLOWING COUNSEL HAVE BEEN SERVED WITH THIS DEFENDANT JASON CARDIFF'S NOTICE OF MOTION AND MOTION TO SUPPRESS EVIDENCE THROUGH THE COURT'S ECF NEXT GEN ELECTRONIC FILING SYSTEM:

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